

**FILED**

IN THE UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

FOR THE DISTRICT OF NEW MEXICO

SEP 14 2009

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

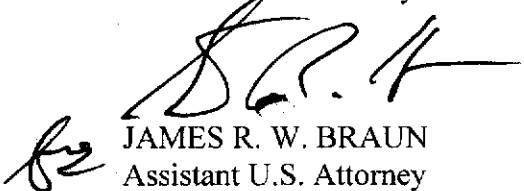
BENJAMIN SWENTNICKAS,

*Defendant.*MATTHEW J. DYKMAN  
CLERKCR. No. 05-1849 <sup>J</sup>LH**MOTION TO DISMISS COUNT 1 OF INDICTMENT CR NO. 05-1849 LH**  
**WITHOUT PREJUDICE**

The United States moves to dismiss without prejudice Count 1 of Indictment CR No. 05-1849 LH against Defendant Benjamin Swentnickas. As grounds for this motion, defendant pled guilty to Information CR No. 05-1849 LH.

WHEREFORE, the United States requests that this Court enter an order dismissing without prejudice Count 1 of Indictment CR No. 05-1849 LH, as to Defendant Benjamin Swentnickas, only.

Respectfully submitted,

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